

FILED

FEB 01 2008

**CATHY A. GATTISON, CLERK
U.S. COURT OF APPEALS**

Re. 2/4/08

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

N.S., et al.,

Plaintiffs - Appellees,

DISABILITY LAW CENTER OF
ALASKA, INC.,

Intervenor - Appellee,

v.

ANCHORAGE SCHOOL DISTRICT,

Defendant - Appellant.

No. 06-35813

D.C. No. CV-05-00177-TMB
District of Alaska,
Anchorage

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The Clerk shall amend the docket to reflect that Disability Law Center of Alaska, Inc. is the Intervenor-Appellee in this appeal.

Appellant's motion to substitute parties under Federal Rule of Appellate Procedure 43(b) is denied. *See Sable Communications of California, Inc. v.*

Pacific Telephone and Telegraph Co., 890 F.2d 184, 191 n.13 (9th Cir. 1989)

(providing that substitution under Rule 43(b) is appropriate only where

"necessary" and "just" and not appropriate where the parties' interests may differ).

06-35813

The answering brief remains due February 11, 2008. Appellees and Intervenor-Appellee are encouraged to join in a single brief to the greatest extent practicable. The optional reply brief is due within 14 days after service of the answering brief.



General Order 6.3(e)